

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

VIVIAN CHANEY,

Petitioner,

v.

CIVIL ACTION NO. 1:05CV40
CRIMINAL ACTION NO. 1:03CR32-2
(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On March 10, 2005, pro se petitioner Vivian Chaney filed a motion to vacate, set aside or correct her sentence pursuant to 28 U.S.C. § 2255. The Court referred this matter to United States Magistrate Judge John S. Kaul for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation 83.15. On May 19, 2005, Judge Kaul issued a Report and Recommendation recommending that the Court deny Chaney's motion.

The Report and Recommendation also specifically warned that Chaney's failure to object to the recommendation would result in the waiver of her appellate rights on this issue. Nevertheless, Chaney has not filed any objections.¹

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety and **DENIES** Chaney's § 2255 motion.

¹ Chaney's failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

ORDER ADOPTING REPORT AND RECOMMENDATION

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the petitioner.

Dated: September 6, 2005.


IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE